

**Notice of Allowability**

Application No.

09/417,845

Examiner

Scott Beliveau

Applicant(s)

SHIMOJI ET AL.

Art Unit

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 December 2004.
2. ☒ The allowed claim(s) is/are 70-85 (renumbered as 1-15).
3. ☒ The drawings filed on 20 December 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/1/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Miscellaneous***

1. With respect to applicant's remarks that the previously cited PTO-892 mailed 17 June 2004 incorrectly references EP 827240 versus EP 827340, the examiner apologizes for any inconvenience that may have been caused and is supplying a corrected listing with this action.

### ***Information Disclosure Statement***

2. With respect to applicant's letter of 01 July 2004 pertaining to the non-initialed receipt of certain references of a PTO-1449 submitted on October 9, 2002, the examiner is unable to locate the cited form within the file. Accordingly, the information disclosure attached to the letter is now being considered as if newly submitted, absent further evidence as to previous submission of the IDS. The information disclosure statement filed 01 July 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

3. The drawings were received on 20 December 2004. These drawings are approved.

### ***Allowable Subject Matter***

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4. Claims 70-85 are allowed.

The following is an examiner's statement of reasons for allowance:

The examiner concurs with the applicant's arguments (Remarks: Para. 9-11 and 20) Page that the Shimoji et al. (EP 827336) either alone or in combination with Mori et al. (EP 827340) fails to particularly disclose or teach the particular usage of a content element list (VET\_DII in Figure 16) and navigation list (NVT\_DII Figure 15) are received and that these lists are used for determining whether or not all content elements and all navigation elements have been recorded.

As set forth in the previous rejection, the Shimoji et al. reference does not disclose or suggest the particular determination of whether or not all content elements and all navigation elements were recorded. To this end, the examiner relied upon the Mori et al. reference. While the Mori et al. reference discloses the particular concept of caching navigation and content elements so as to reduce the waiting time of the terminal and ensures that the entire components are stored prior to presentation, it is silent as to how it determines that entire streams and navigation tables have been stored such that it necessarily utilizes the structures of Figures 15 and 16 as argued by applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- The ISO/IEC 13818-6 document sets forth the MPEG-2 standardized method for setting forth the ability to browse, select, download, and control encoded bit streams.
- The Atzori et al. article discloses a system and method for broadcasting multimedia information based upon the DSM-CC functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB

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May 30, 2005

A handwritten signature in black ink, appearing to read 'J. Miller', with a long horizontal stroke extending to the right.

**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**